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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,424	11/21/2001	Amit Haller	IXIM-01004US0	3635

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EXAMINER

SCHULTZ, WILLIAM C

ART UNIT	PAPER NUMBER
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2664

DATE MAILED: 09/30/2003

9

Office Action Summary

Application No.

09/990,424

Applicant(s)

HALLER ET AL.

Examiner

William C. Schultz

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-7,9-14,17,22,25,26,35-37,39,40 and 42 is/are rejected.
- 7) ☒ Claim(s) 2,3,8,15,16,18-21,23,24,27-34,38 and 41 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 17, a Markush group must be provided with support in the disclosure for *each* member of the Markush group, "and an equivalent" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "and an equivalent"), thereby rendering the scope of the claim(s) unascertainable. Support for the Markush group was found on the top of page 10 of the specification. See MPEP § 608.01(p) 4th paragraph.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,9-14,22,25-26,35-36,39-40,42 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Wen [U.S. Pat. 5,457,737].

Regarding claims 1,26,35,36,39,42, Wen discloses a system for forming a short distance wireless network, comprising:

(a) a first device for generating a short-range radio signal message having a first identification symbol responsive to a user input; and, **(fig. 2; col. 4, lines 54-56; col. 5, lines 24-26 - $\text{adr}(x)$ at the mobile makes it send $\text{code}(x) = \text{'identification symbol'}$)**

(b) a second device for communicating with the first device responsive to receiving the message and comparing the first identification symbol to a second identification symbol stored in the second device. **(col. 5, lines 26-28)**

further regarding claims 35,36, forming a channel. **(col. 5, lines 29-30)**

Regarding claim 9, Wen further discloses the pairing message includes a pairing identification symbol and the first device compares the pairing identification symbol to the identification symbol from the second device. **(col. 5, lines 26-28)**

Regarding claim 10, Wen further discloses the first device receives a remove message for preventing communication between the first device and the second device. **(col. 6, lines 51-53; col. 6, lines 60-63 – discloses that calls are allowed but says “provided that the correct code word is received”, from above on col. 5, lines 30-34 Wen discloses that the reception of an incorrect code causes the error logic of col. 6 to activate, so communication is prevented)**

Regarding claim 11, Wen further discloses (a) a processing device, in the wide area network, for generating the pairing message responsive to a user input. **(fig. 1, part base station 4)**

Regarding claim 12-14, Wen further discloses the processing device is from the telecomm provider and they are a seller and they are the user of the device. **(fig. 1, part base station 4)**

Regarding claims 22,25, Wen further discloses the pairing message is encrypted. **(col. 6, lines 30-35)** further regarding claim 25, the applicant provides no further definition of a digital signature other than it is decrypted. Then the digital signature must then just be an encrypted block of data.

Regarding claim 40, Wen further discloses notifying the user of the validity of the PIN. **(col. 6, line 67)**

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-7,37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wen [U.S. Pat. 5,457,737] as applied to claim 4 above, and further in view of Xu et al. [U.S. Pat. 6,151,628].

Regarding claims 5-7,37, Wen discloses the pairing message comes from the network local to the phone system.

Wen fails to disclose the pairing message comes from the internet.

Xu et al. discloses that the pairing message comes from the ISP backbone over the same ethernet connection as the regular internet traffic. **(fig. 1, connection from part 20 to part isp backbone #1)** the internet is well know to just be a large scale network. Nothing in the invention provides any special difference from this interpretation of the internet/WAN as anything other than a network. So, when Xu authenticates a wireless data access user connected to part 20 in fig.1, it looks to the user as if the packet came from the internet or WAN or any other kind of network.

Wen discloses that the invention that provides verification, in other words, the pairing message, can be implemented in any other wireless network that may be susceptible to piracy by illegitimate users. **(col. 7, lines 26-29)**

It would have been obvious for one skilled in the art at the time of invention to modify Wen with Xu so that wireless LANs are protected from illegitimate users.

Allowable Subject Matter

Claims 2-3,8,15-16,18-21,23-24,27-34,38,41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Schultz whose telephone number is 703-305-

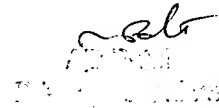
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2367. The examiner can normally be reached on M-F(7-4)(first bi-week) M-Th(7-4)(second bi-week).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 703-305-4366. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

William Schultz
September 16, 2003



William Schultz